

REMARKS

The finality of the Restriction requirement has been noted.

Claims 1, 3-4 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Zhou et al. (Zhou).

Reconsideration is requested.

The basis of the present invention is the application of a controlled rotating magnetic field of medium-high intensity that is clearly focused in a small area for use in extracting terpenes and/or terpenoids. A typical magnetic field for use in the present invention will comprise between 3140 and 7055 mm² with the intensity of the field being from 1500 to 3000 Gauss or higher. When a magnetic field having this intensity is confined to a relatively small area, the electromagnetic force is strong enough to swell certain molecules found in natural resins. The extraction of these molecules from natural resins or essential oils has some limits in swelling and extracting molecules: in fact it allows for the extraction of molecules having a molecular weight above 600 but not higher than 620-650 Daltons as it is not possible to extract molecules having a higher molecular weight.

The use of the rotating magnetic field in the extraction of natural resins or essential oils makes possible the use of a solution of 90% of water and 10% ethanol or even 95% water and 5% ethanol.

The Zhou patent, which has been applied as being an anticipation of claims 1, 3, 4 and 8, is concerned with a method for obtaining diterpene glycosides from a plant source containing diterpene glycosides. The method is based on the steps of providing a plant material containing diterpene glycosides and obtaining a liquid extract from said source material which contains the diterpene glycosides. Thereafter, the liquid extract is mixed with a saturated solution containing at least one

metallic ion selected from the group consisting of metallic ions having an oxidation number of three, metallic ions having an oxidation number of two and combinations thereof to provide a mixture; allowing the mixture to stand until a solid material precipitates to provide the solid material and a liquid portion containing the diterpene glycosides.

The liquid portion is passed through a first column containing a neutral absorptive microporous resin to absorb portions of said liquid portion including said diterpene glycosides onto said neutral absorptive macroporous resin before rinsing the column with a alcohol to obtain an alcohol solution containing the diterpene glycosides. Thereafter, the alcohol solution is passed through another column containing an alkaline macroporous resin in order to provide a purified alcohol solution and a dry composition containing the diterpene glycosides. The Examiner contends that the earth is a rotating magnetic field and thus the method of Zhou anticipates claim 1.

The argument that the earth is a rotating magnetic field and this reads on the instant claims is in error as the earth has a magnetic field that rotates with the earth while claim 1 specifies that the extraction takes place in the presence of a rotating magnetic field. The earth's magnetic field does not revolve around any object as it is associated with the earth and all earth bound objects rotate as the earth rotates. Thus the earth's magnetic field cannot rotate around earth bound objects as they rotate with the earth and the earth's magnetic field.

In any event, claims 6 and new claim 22, which is based on original claim 6, point out a magnetic field having a strength of 500-3000 and 1500 to 3000 Gauss. The earth's magnetic field has an intensity ranging from 20000 to 70000 nTesla where 1 Gauss is equal to 100000 nTesla. Thus the strength of the earth's magnetic field

is insufficient to enable the extraction of terpenes from natural resins by using the earth' magnetic field and a solvent. For these reasons, it is requested that the rejection of claims 1,3,4and 8 be withdrawn.

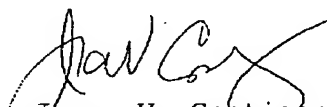
Claims 1-9 were rejected under 35 U.S.C.§103(a) as being unpatentable over Matsuda et al. (Matsuda).

Reconsideration is requested.

Matsuda describes the synthesis of a diterpene using a unicellular organism and does not suggest extracting terpenes or terpenoids from a resin or essential oil in the presence of a rotating magnetic field. The use of an NMR for analytical purposes is not a part of Matsuda's process and in any event there is no disclosure of an extraction being carried out in the NMR magnetic field. Any separation that takes places during the use of an NMR is not an extraction process and merely is a result of the analytical process. For these reason, Masuda dies not make the claimed process obvious.

An early and favorable action is earnestly solicited.

Respectfully Submitted


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